

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jacob E. Palo

v.

Civil No. 12-fp-407

David Dionne, Superintendent,
Hillsborough County Department
of Corrections

O R D E R

Jacob Palo, a pretrial inmate in the custody of the Hillsborough County Department of Corrections ("HCDC"), has filed a complaint (doc. no. 1) alleging that defendant David Dionne, the HCDC Superintendent, has violated, and continues to violate, Palo's rights during his detention. Before the court is Palo's motion for injunctive relief (doc. no. 4). The motion has been referred to this magistrate judge (doc. no. 5) for a recommendation as to disposition pursuant to 28 U.S.C. § 636.

In his motion for injunctive relief (doc. no. 4), Palo alleges that he is being deprived of an adequate amount of nutritious food at the HCDC, in violation of his Fourteenth Amendment right, as a pretrial detainee, not to be punished

without due process.¹ Prisons must provide inmates with “nutritionally adequate food.” See Querido v. Wall, C.A. No. 10-098 ML, 2010 WL 5558915, at *5 (D.R.I. Dec. 8, 2010). The allegations in the complaint, as well as in the motion for injunctive relief, however, do not specifically state how the food is nutritionally inadequate, either in quality or amount, to meet his health needs. Further, except for stating that he has lost “several pounds in a short amount of time,” due to inadequate food, Palo has not stated any adverse health effects that he has suffered as a result of the alleged lack of adequate food.

Palo is granted leave to amend his motion for injunctive relief: (a) to state, with specificity, how the food he is provided at the HCDC is inadequate nutritionally, and what harm, if any, he has suffered as a result; and (b) to present facts showing how individuals at HCDC should be deemed to have been aware of and responsible for those issues. If Palo chooses to amend the motion for preliminary injunction, he must do so within fourteen days of the date of this order.

¹Palo also seeks preliminary injunctive relief related to his access to the HCDC law library. Because that claim does not assert any imminent danger of bodily harm, the court defers consideration of that claim until Palo has paid his filing fee or completed his application for in forma pauperis status.

Nothing in this order alters Palo's obligation to either pay his filing fee or complete his application for in forma pauperis status (doc. no. 2), pursuant to the order issued October 25, 2012 (doc. no. 3).

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

November 19, 2012

cc: Jacob E. Palo, pro se

LBM:jba